

REMARKS/ARGUMENTS

This amendment is pursuant to the Decision of the Board of Patent Appeals and Interferences (the Board) mailed November 19, 2009. The undersigned wishes to thank the Examiner (Mr. Lewis) for discussing proposed amendments to place the case in allowable condition. That discussion occurred on November 23, 2009.

I. AMENDMENTS

The claim amendments effected herewith are as follows:

Claim 1 has been amended to incorporate the subject matter of claim 48;

Claim 47 has been amended to be independent;

Claims 37-41 and 48 have been canceled without prejudice.

After these amendments, the pending claims are 1-15, 18-36, 47 and 49.

II. DOUBLE PATENTING

A terminal disclaimer in respect of copending Application Serial No. 09/763,955 is submitted herewith, together with the requisite fee. Withdrawal of the obviousness-type double patenting rejection is respectfully requested.

III. INFORMATION DISCLOSURE STATEMENTS

Information Disclosure Statements were filed November 15, 2007, July 22, 2009, and October 30, 2009 while the case was on appeal. It is respectfully requested that those Information Disclosure Statements are considered and entered, and that copies of the IDS documents bearing the Examiner's initials are included with the allowance

papers. In addition, in the Information Disclosure Statement filed on June 30, 2005, the Examiner initialed and dated the PTO 1449 as having been considered July 21, 2005, but the two entries were crossed out by the Examiner with the hand-written annotation "Improper citation – U.S. Patent Documents". In response, attached is a replacement PTO 1449 with the correct listing of the two items. Entry of this paper and return of an initiated copy are also respectfully requested.

Favorable action on this application is awaited.

Respectfully submitted,

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Attachments: Terminal Disclaimer and fee; replacement PTO 1449